

Todd Sokolwski, Individually and On
Behalf of All Others Similarly Situated,
Plaintiff,
vs.

) Civil Action No. 1:2007cv01709
)
)
)
)

MENU FOODS, INC., MENU FOODS,
MENU FOODS INCOME FUND, and THE)
IAMS COMPANY,
Defendants.

JUNE 26, 2007

CERTIFICATION OF TERESA R. IZZARELLI

I, Teresa R. Izzarelli, certify as follows:

1. I am over the age of eighteen years and believe in the obligations of an oath.
2. I have personal knowledge of the foregoing facts and could, and would, competently testify thereto if called upon to do so.
3. I retained an attorney, Kevin E. Creed, of Newman, Creed & Associates, to handle my case against Menu Foods, Inc. and Iams on or about May 31, 2007. My cat, Chicken, has been treated for renal failure after eating Iams wet food, which was one of the recalled pet foods.
4. I incurred both veterinary expenses and other bills for the treatment of my cat, Chicken, along with other costs for medication. I contacted Iams after seeing a news report about the recalled food on March 17, 2007. I received a call back from Iams a few weeks later and gave the gentleman I spoke to all my information and I told him that my veterinarian bills totaled \$628.24 at that time. I then received another call from a woman at Iams a few weeks after that stating that they did not forget about me and I would be hearing from them soon.
5. I then received a letter from Cynthia DePriest at Risk Enterprise Management (REM) dated April 24, 2007 asking that I contact her. Thereafter, I received another letter from Cynthia DePriest at REM dated May 10, 2007 stating that I would be receiving a reimbursement check in the amount of \$548.75 within six weeks for reimbursement of medical bills. I disagreed with the amount they offered and I wrote a letter to Cynthia DePriest on May 15, 2007 enclosing copies of all of the veterinarian bills which now totaled \$769.27. I asked for additional reimbursement and clarification of the reimbursement period. I had been told during my last conversation with her that they would consider reimbursement for four months. Late in May, 2007 I received a check for \$548.75.

6. On May 31, 2007, I sent a letter to Ms. DePriest returning the reimbursement check in the amount of \$548.75, which I had received. The check stated "In full & final settlement" and I did not want to settle this case and I returned this check, stating that I was not settling the case. I also informed her in this letter that I was now represented by Newman, Creed & Associates in Bristol, Connecticut. I sent the check and letter by registered mail, with return receipt requested. A copy of this letter is attached as Exhibit "1" to this affidavit.

7. I received a letter from Ms. DePriest dated June 18, 2007, again enclosing the check for \$548.75 for out of pocket expenses associated with treatment of my cat. The letter states that "While the check contains the phrase "for full and final settlement", should a health concern requiring veterinary care arise within four months following the date on our original payment letter (May 10, 2007) we will consider providing reimbursement for medical bills that are demonstrated to be linked to the Menu Foods recall". A true and correct copy of this letter is attached as Exhibit "2" to this affidavit.

8. While the letter of June 18, 2007 tells me to turn it over to my attorney, I am confused and do not understand the consequence of cashing the check.

The foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false I will be subject to penalties.


Teresa R. Izzarelli

EXHIBIT 1

517 Route 165
Preston CT 06365
May 31, 2007

Cynthia DePriest, Claims Adjuster
Risk Enterprise Management
P.O. Box 105026
Atlanta, GA 30328

Re: Claim Number 5710829197

Dear Ms. DePriest:

I am in receipt of a check from Risk Enterprise Management Limited (check # 83611557) in the amount of \$548.75.

The check states "In payment of full & final settlement". This is not as we discussed. I am not settling this case. I am, therefore, returning this check to you with this letter.

Be advised that I am now represented by Newman Creed & Associates of Bristol, Connecticut.

Sincerely,

Teresa R. Izzarelli

Enclosure

EXHIBIT 2

REM.

June 18, 2007

Theresa Izzarelli
517 Route 165
Preston, CT 06365

Re: Claim Number: 5710829197

Dear Ms Izzarelli:

First and foremost, we want to repeat our profound regret for your pet's illness. We appreciate your patience in this difficult situation.

You reported that you are now represented by an attorney; however you did not provide me with contact information for counsel. Please turn this letter over to your attorney.

We are returning our check for \$548.75 in payment of out of pocket expenses associated with your pet, Chicken. While the check contains the phrase "for full & final settlement", should a health concern requiring veterinary care arise within four months following the date on our original payment letter (May 10, 2007) we will consider providing reimbursement for medical bills that are demonstrated to be linked to the Menu Foods recall.

Please call 1-800-782-0923 with any questions about follow up medical treatment and bills.

Again, as pet owners, we are deeply sorry for your pet's illness.

Should you have any further questions regarding this matter, please have your attorney phone me at (800) 230-7795 extension 4975.

Sincerely,



Cynthia De Priest

Risk Enterprise Management P. O. Box 105026, Atlanta, Georgia 30328

REM.

June 18, 2007

Theresa Izzarelli
517 Route 165
Preston, CT 06365

Re: Claim Number: 5710829197

Dear Ms Izzarelli:

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You reported that you are now represented by an attorney; however you did not provide me with contact information for counsel. Please turn this letter over to your attorney.

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Again, as pet owners, we are deeply sorry for your pet's illness.

Should you have any further questions regarding this matter, please have your attorney phone me at (800) 230-7795 extension 4975.

Sincerely,



Cynthia De Priest

Risk Enterprise Management P. O. Box 105026, Atlanta, Georgia 30328